

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q64356

Moshe WEINER

Appln. No.: 09/916,325

Group Art Unit: 2617

Confirmation No.: 9182

Examiner: Temica M. Beamer

Filed: July 30, 2001

For: SESSION MANAGEMENT - METHOD & SYSTEM

RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction Requirement, dated August 9, 2007. In response to the Restriction Requirement, Applicant elects Group II, comprised of claims 26-36, 40 and 41, for examination. This election is made with traverse.

According to the MPEP:

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP § 802.01, § 806.06, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(j)); and

(B) There would be a serious burden on the examiner if restriction is not required (see MPEP § 803.02, § 808, and § 808.02). MPEP 803.

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Applicant asserts that the second requirement, serious burden, does not exist in this situation. Therefore, the Examiner is respectfully requested to withdraw the restriction requirement.

The current set of claims were in the Amendment filed on June 7, 2006. In the Office Action dated February 27, 2007, the Examiner fully examined each of the claims on the merits. Claims 26-42 were allowed. In addition, the Examiner indicated that claims 16-18 would be allowable if rewritten in independent form.


In the Amendment filed on May 17, 2007, Applicant canceled the rejected claims and rewrote claims 16-18 in independent form. Thus, the application should have been in condition for allowance.

The Examiner argues that because there are allegedly two distinct inventions a serious burden exists. Applicants respectfully disagree that there is any burden on the Examiner because all of the claims have been fully examined and have either been allowed or contained allowable subject matter. No additional search should be necessary at this time.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Carl J. Pellegrini
Registration No. 40,766

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

Date: October 9, 2007